

Exhibit A



**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE
LITIGATION

MDL No. 1456

CIVIL ACTION: 01-CV-12257-PBS

Judge Patti B. Saris

**NOTICE OF RULE 30(B)(6) DEPOSITION
TO DEFENDANT B. BRAUN MEDICAL, INC.**

TO: ALL COUNSEL OF RECORD VIA VERILAW:

PLEASE TAKE NOTICE that pursuant to Rules 26 and 30(b)(6) of the Federal Rules of Civil Procedure, plaintiffs, by and through their counsel, will take the deposition upon oral examination of a representative of Defendant B. Braun Medical, Inc. ("B. Braun") at the offices of Hoffman & Edelson, LLC, Doylestown, PA 18901 at 9:30 a.m. Monday, June 20, 2005, and continuing from day to day thereafter until completed. In accordance with Fed. R. Civ. P. 30(b)(6), the deponent is advised of its duty to designate one or more of its officers, directors, or other persons to testify on its behalf with respect to the matters known or reasonably available to the deponent and referred to in the annexed Exhibit "A." The deposition shall be taken before a notary public or another officer authorized by law to administer oaths and will be recorded by stenographic and/or sound and visual means. You are invited to attend and participate.



DATED: May 4, 2005

By Allan M. Hoffman
Allan M. Hoffman
Marc Edelson
Hoffman & Edelson, LLC
45 West Court Street
Doylestown, PA 18901
Telephone: (215) 230-8043
Facsimile: (215) 230-8735

Thomas M. Sobol (BBO#471770)
Edward Notargiacomo (BBO#567636)
Hagens Berman LLP
225 Franklin Street, 26th Floor
Boston, MA 02110
Telephone: (617) 482-3700
Facsimile: (617) 482-3003
LIAISON COUNSEL

Steve W. Berman
Sean R. Matt
Kevin P. Roddy
Hagens Berman LLP
1301 Fifth Avenue, Suite 2900
Seattle, WA 98101
Telephone: (206) 623-7292
Facsimile: (206) 623-0594

Samuel Heins
Heins, Mills & Olson, P.C.
3550 IDS Center
80 South Eighth Street
Minneapolis, MN 55402
Telephone: (612) 338-4605
Facsimile: (612) 338-4692



Eugene A. Spector
Jeffrey Kodroff
John Macoretta
Spector, Roseman & Kodroff, P.C.
1818 Market Street, Suite 2500
Philadelphia, PA 19103
Telephone: (215) 496-0300
Facsimile: (215) 496-6611
**CHAIRS OF LEAD COUNSEL
COMMITTEE**

Kenneth A. Wexler
Elizabeth Fegan Hartweg
The Wexler Firm LLP
One North LaSalle Street, Suite 2000
Chicago, IL 60602
Telephone: (312) 346-2222
Facsimile: (312) 346-0022
**MEMBERS OF LEAD COUNSEL
COMMITTEE AND EXECUTIVE
COMMITTEE**

Michael McShane
Alexander, Hawes & Audet, LLP
300 Montgomery Street, Suite 400
San Francisco, CA 94104
Telephone: (415) 982-1886
Facsimile: (415) 576-1776



Robert E. Piper, Jr.
Piper & Associates
624 Pierre Avenue
Shreveport, LA 71103
Telephone: (318) 226-0826
Facsimile: (318) 424-9900
**MEMBERS OF EXECUTIVE
COMMITTEE**

Anthony Bolognese
Bolognese & Associates
One Penn Center
1617 JFK Boulevard
Suite 650
Philadelphia, PA 19103
Tel: (215) 814-6750
Fax: (215) 814-6764

Jonathan W. Cuneo
The Cuneo Law Group
317 Massachusetts Avenue, N.E.
Suite 300
Washington, D.C. 20002
Tel: (202) 789-3960
Fax: (202) 789-1813

Neal Goldstein (Of Counsel)
Freedman & Lorry, PC
400 Market Street, Suit 900
Philadelphia, PA 19106
Tel: (215) 925-8400
Fax: (215) 925-7516



Michael E. Criden
Hanzman & Criden, PA
Commerce Bank Center, Suite 400
220 Alhambra Circle
Coral Gables, FL 33134
Tel: (305) 357-9000
Fax: (305) 357-9050

Blake M. Harper
Kirk B. Hulett
Hulett Harper LLP
550 West C Street
Suite 1700
San Diego, CA 92101
Tel: (619) 338-1133
Fax: (619) 338-1139

Jonathan D. Karmel
Karmel & Gilden
221 N. LaSalle Street
Suite 1414
Chicago, IL 60601
Tel: (312) 641-2910
Fax: (312) 641-0781

Dianne M. Nast
Roda & Nast, PC
801 Estelle Drive
Lancaster, PA 17601
Tel: 717-892-3000
Fax: 717-892-1200



Henry H. Rossbacher
Rossbacher & Associates
811 Wilshire Boulevard,
Suite 1650
Los Angeles, CA 90017-2666
Tel: (213) 895-6500
Fax: (213) 895-6161

Jonathan Shub
Sheller, Ludwig & Badey, P.C.
1528 Walnut Street, 3rd fl
Philadelphia, PA 19102
Tel: (215) 790-7300
Fax: (215) 546-0942

Scott R. Shepherd
Shepherd & Finkleman, LLC
117 Gayley Street,
Suite 200
Media, PA 19063
Tel: (610) 891-9880
Fax: (610) 891-9883

Lisa J. Rodriguez
Ira Neil Richards
Trujillo Rodriguez & Richards, LLC
The Penthouse
226 West Rittenhouse Square
Philadelphia, PA 19103
Tel: (215) 731-9004
Fax: (215) 731-9044



Mitchell A. Toups
Weller, Green, Toups & Terrell, L.L.P.
2615 Calder Street, Suite 400
P.O. Box 350
Beaumont, TX 77704
Tel: (409) 838-0101
Fax: 409-838-6780

Damon Young
Lance Lee
Young, Pickett & Lee
4122 Texas Boulevard
P.O. Box 1897
Texarkana, AR/TX 75504
Tel: (903) 794-1303
Fax: 903-792-5098; 903-794-5098
**ADDITIONAL ATTORNEYS FOR
PLAINTIFFS**



EXHIBIT "A"

INSTRUCTIONS

1. All of the definitions from Plaintiffs' Omnibus Requests For Production of Documents Directed to All Defendants are incorporated herein by reference.
2. "AWPID" refers to all of the drugs identified in Appendix A to the AMCC.
3. "Spread" refers to the difference between AWP or any price upon which reimbursement for a drug is based, on the one hand, and the actual or net price paid for a drug on the other hand.
4. Unless otherwise specifically stated, each of these Areas of Inquiry encompasses the years 1991 through the present and focuses only on physician-administered drugs.

AREAS OF INQUIRY

1. B. Braun's policies and/or practices concerning how prices on its physician-administered drugs are established and/or changed, and the identity of persons with knowledge on this issue.
2. The identity of documents that describe the price paid by physicians for B. Braun's physician-administered drugs and/or the formulas or methods by which the physician-administered drugs are reimbursed by government programs and/or private health plans, and the identity of persons with knowledge on this subject.
3. The identity and nature of any documents discussing, promoting or marketing the Spread on any of B. Braun's physician-administered AWPIDs to customers or potential customers.
4. The identity of the competitive drugs with respect to each physician-administered AWPID and the nature and identity of documents reflecting any comparisons of any price,



Spread, rebate or incentive for any of B. Braun's physician-administered drugs with any price, Spread, rebate or incentive offered for a competing drug.

5. B. Braun's training and education of its sales representatives with respect to policies regarding selling or promoting physician-administered AWPIDs to physicians and/or other customers.

6. The types of materials maintained by the sales force, including detail reports and field sales notes, as well as any computer database used to record and/or summarize the nature of the discussions between sales representatives and customers and/or potential purchasers.

7. Communications, oral or written, with publishers referring or relating to the following: list price, AWP, net price, suggested wholesale price, WAC or any other communication with publishers.

8. The Average Sales Price ("ASP") or "net price" for each physician-administered AWPID, the ASPs on each AWPID, the spread between ASP and AWP, and how each defendant calculates ASP.

9. The identity of documents that describe or analyze the amount of profit from any of B. Braun's physician-administered AWPIDs.

10. B. Braun's policies and practices concerning the provision of free samples of physician-administered AWPIDs to physicians.

11. The identity and nature of documents relating to any Government Investigation concerning B. Braun or any of its physician-administered AWPIDs, including B. Braun's response to any request for information in connection with any Government investigation and the identities or job titles of all B. Braun personnel involved with any Government Investigation.

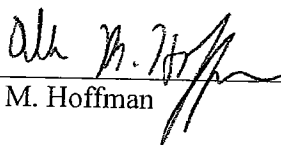
12. B. Braun's document and e-mail retention or destruction policies, and the steps B. Braun has taken to preserve documents since this litigation began.



CERTIFICATE OF SERVICE BY VERILAW

I, Allan M. Hoffman, hereby certify that I am one of plaintiffs' attorneys, and that on May 4, 2005, I caused a true and correct copy of the foregoing NOTICE OF RULE 30(B)(6) DEPOSITION TO DEFENDANT B. BRAUN MEDICAL, INC. to be served on all counsel of record electronically by causing same to be posted via Verilaw.

Dated: May 4, 2005



Allan M. Hoffman

Exhibit B



HOFFMAN & EDELSON, LLC

ATTORNEYS AT LAW
45 WEST COURT STREET
DOYLESTOWN, PENNSYLVANIA 18901

215-230-8043
FAX 215-230-8735

JEROLD B. HOFFMAN*
MARC H. EDELSON* *

* MEMBER PA. & N.J. BARS
** MEMBER PA. & N.Y. BARS

ALAN V. KLEIN*
ADAM ARATEN*
ALLAN M. HOFFMAN*

May 6, 2005

Via Facsimile: (202) 879-5200

Daniel F. Attridge
Kirkland & Ellis LLP
655 15th Street, N.W.
Washington, DC 20005

Re: In re Pharmaceutical Industry AWP Litigation

Dear Mr. Attridge:

As you are aware, the Court has issued CMO No. 14, which sets forth various pre-trial deadlines for the Phase II defendants, including a discovery cut-off of December 3, 2005. Plaintiffs have served your client, B. Braun Medical, Inc., with multiple requests for production and interrogatories that seek, among other things, financial data relating to the sales of drugs that are the subject of the AMCC (the "Subject Drugs"). Indeed, Plaintiffs' requests that B. Braun Medical, Inc. produce financial information date back to June 2003.¹

Based on experience gained by working with the Phase I defendants, Plaintiffs have refined their requests for sales-related data. For each of the Subject Drugs (by NDC), please provide the following information in ASCII text file or similar electronic format for the relevant time period:

- (a) All sales transaction data (as well as any discounts or any other price adjustments or offsets contained in the transaction data), including (i) price, (ii) number of units sold, (iii) transaction date, (iv) information sufficient to identify the type of transaction (*e.g.*, a sale, a return, etc.), (v) information sufficient to identify the product (*e.g.*, NDC, product description, form, strength, etc.), (vi) information sufficient to identify the customer, (vii) class of trade designations, and (viii) information sufficient

¹ Plaintiffs' prior requests for financial data can be found in discovery sets served on your client on June 17, 2003 (Request Nos. 27-28); June 19, 2003 (Request Nos. 19, 34 and 35); December 3, 2003 (Request Nos. 18, 33-34; Interog. No. 1); and March 31, 2004 (Request Nos. 25-28; Interog. No. 1).



Daniel F. Attridge

Page 2

May 6, 2005

to identify whether the units sold were intended for repackaging, along with the name of the repackager to which the units were sold.

- (b) All chargeback transactions, including (i) amount, (ii) date of credit, and (iii) information sufficient to identify the customer, class of trade designations (if any), and wholesaler to which the chargeback was paid, and (iv) the underlying contract price paid by the ultimate customer.
- (c) All rebate transactions, including (i) amount, (ii) date of rebate, (iii) information sufficient to identify the type of rebate, (iv) information sufficient to identify the customer, and (v) class of trade designations (if any).
- (d) All administrative fee transactions, including (i) amount, (ii) date of payment, (iii) information sufficient to identify the type of administrative fee (if applicable), (iv) information sufficient to identify the customer, and (v) class of trade designations (if any).
- (e) Any other discounts not reflected in the above (a through d), including but not limited to discounts achieved through bundling one product with another.
- (f) Include complete documentation for all items above (a through e) such as lists of fields, descriptions of information contained in those fields (*e.g.*, field lengths, formats, etc.), and descriptions of any codes used in any fields (such as class of trade designations).

Exclude all sales to government entities (*e.g.*, State Agencies, Veteran's Administration Facilities, Military, Federal Government Programs, Public Health Service, etc.). Sales to all other entities should be included, including sales to hospitals.

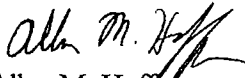
Plaintiffs request that B. Braun Medical, Inc. produce this data in the above-requested format within 30 days. If you will be unable to provide this information within 30 days for all of the Subject Drugs, Plaintiffs ask that B. Braun Medical, Inc. first produce the requested data for all physician-administered drugs within 30 days, followed by a supplemental production of data for the remaining drugs 30 days thereafter.



Daniel F. Attridge
Page 3
May 6, 2005

We have also enclosed Rule 30(b)(6) deposition notices on this topic so that Plaintiffs can learn about the manner in which B. Braun Medical, Inc. maintains sales data for its Subject Drugs.

Sincerely,


Allan M. Hoffman

AMH:kj

Exhibit C



**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESAL PRICE
LITIGATION

)
) MDL No. 1456
)

) CIVIL ACTION: 01-CV-12257-PBS
)

THIS DOCUMENT RELATES TO
ALL CLASS ACTIONS

) Judge Patti B. Saris
)
)

**NOTICE OF RULE 30(B)(6) DEPOSITION TO B. BRAUN MEDICAL, INC.
REGARDING SALES-RELATED FINANCIAL DATA**

TO: ALL COUNSEL BY VERILAW

PLEASE TAKE NOTICE that, pursuant to Federal Rules of Civil Procedure 30(b)(6), the undersigned counsel will take the deposition of the representatives of B. Braun Medical, Inc. ("B. Braun") who are knowledgeable regarding the matters set forth in Exhibit A attached hereto. Such depositions will be recorded by stenographic and/or sound and visual means and will take place beginning at 9:00 a.m. Eastern Standard Time on June 22, 2005, at the offices of Hoffman & Edelson, LLC, 45 West Court Street, Doylestown, PA 18901. You are invited to attend and participate.



DATED: May 6, 2005

By

Allan M. Hoffman

Allan M. Hoffman
Marc Edelson
Hoffman & Edelson, LLC
45 West Court Street
Doylestown, PA 18901
Telephone: (215) 230-8043
Facsimile: (215) 230-8735

Thomas M. Sobol (BBO#471770)
Edward Notargiacomo (BBO#567636)
Hagens Berman LLP
225 Franklin Street, 26th Floor
Boston, MA 02110
Telephone: (617) 482-3700
Facsimile: (617) 482-3003
LIAISON COUNSEL

Steve W. Berman
Sean R. Matt
Kevin P. Roddy
Hagens Berman LLP
1301 Fifth Avenue, Suite 2900
Seattle, WA 98101
Telephone: (206) 623-7292
Facsimile: (206) 623-0594

Samuel Heins
Heins, Mills & Olson, P.C.
3550 IDS Center
80 South Eighth Street
Minneapolis, MN 55402
Telephone: (612) 338-4605
Facsimile: (612) 338-4692

Eugene A. Spector
Jeffrey Kodroff
John Macoretta
Spector, Roseman & Kodroff, P.C.
1818 Market Street, Suite 2500
Philadelphia, PA 19103
Telephone: (215) 496-0300
Facsimile: (215) 496-6611
**CHAIRS OF LEAD COUNSEL
COMMITTEE**



Kenneth A. Wexler
Elizabeth Fegan Hartweg
The Wexler Firm LLP
One North LaSalle Street, Suite 2000
Chicago, IL 60602
Telephone: (312) 346-2222
Facsimile: (312) 346-0022

**MEMBERS OF LEAD COUNSEL
COMMITTEE AND EXECUTIVE
COMMITTEE**

Michael McShane
Alexander, Hawes & Audet, LLP
300 Montgomery Street, Suite 400
San Francisco, CA 94104
Telephone: (415) 982-1886
Facsimile: (415) 576-1776

Robert E. Piper, Jr.
Piper & Associates
624 Pierre Avenue
Shreveport, LA 71103
Telephone: (318) 226-0826
Facsimile: (318) 424-9900
**MEMBERS OF EXECUTIVE
COMMITTEE**

Anthony Bolognese
Bolognese & Associates
One Penn Center
1617 JFK Boulevard
Suite 650
Philadelphia, PA 19103
Tel: (215) 814-6750
Fax: (215) 814-6764



Jonathan W. Cuneo
The Cuneo Law Group
317 Massachusetts Avenue, N.E.
Suite 300
Washington, D.C. 20002
Tel: (202) 789-3960
Fax: (202) 789-1813

Neal Goldstein (Of Counsel)
Freedman & Lorry, PC
400 Market Street, Suit 900
Philadelphia, PA 19106
Tel: (215) 925-8400
Fax: (215) 925-7516

Michael E. Criden
Hanzman & Criden, PA
Commerce Bank Center, Suite 400
220 Alhambra Circle
Coral Gables, FL 33134
Tel: (305) 357-9000
Fax: (305) 357-9050

Blake M. Harper
Kirk B. Hulett
Hulett Harper LLP
550 West C Street
Suite 1700
San Diego, CA 92101
Tel: (619) 338-1133
Fax: (619) 338-1139

Jonathan D. Karmel
Karmel & Gilden
221 N. LaSalle Street
Suite 1414
Chicago, IL 60601
Tel: (312) 641-2910
Fax: (312) 641-0781



Dianne M. Nast
Roda & Nast, PC
801 Estelle Drive
Lancaster, PA 17601
Tel: 717-892-3000
Fax: 717-892-1200

Henry H. Rossbacher
Rossbacher & Associates
811 Wilshire Boulevard,
Suite 1650
Los Angeles, CA 90017-2666
Tel: (213) 895-6500
Fax: (213) 895-6161

Jonathan Shub
Sheller, Ludwig & Badey, P.C.
1528 Walnut Street, 3rd fl
Philadelphia, PA 19102
Tel: (215) 790-7300
Fax: (215) 546-0942

Scott R. Shepherd
Shepherd & Finkleman, LLC
117 Gayley Street,
Suite 200
Media, PA 19063
Tel: (610) 891-9880
Fax: (610) 891-9883

Lisa J. Rodriguez
Ira Neil Richards
Trujillo Rodriguez & Richards, LLC
The Penthouse
226 West Rittenhouse Square
Philadelphia, PA 19103
Tel: (215) 731-9004
Fax: (215) 731-9044



Mitchell A. Toups
Weller, Green, Toups & Terrell, L.L.P.
2615 Calder Street, Suite 400
P.O. Box 350
Beaumont, TX 77704
Tel: (409) 838-0101
Fax: 409-838-6780

Damon Young
Lance Lee
Young, Pickett & Lee
4122 Texas Boulevard
P.O. Box 1897
Texarkana, AR/TX 75504
Tel: (903) 794-1303
Fax: 903-792-5098; 903-794-5098
**ADDITIONAL ATTORNEYS FOR
PLAINTIFFS**

**EXHIBIT A**

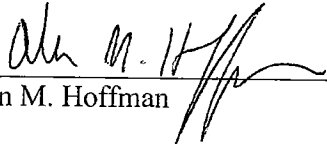
Produce witnesses pursuant to Rule 30(b)(6) who have knowledge of all aspects of B. Braun's maintenance and retrieval of the following data for each drug manufactured by B. Braun and identified in the AMCC, including the names of the databases in which such information is stored electronically:

- (a) All sales transaction data (as well as any discounts or any other price adjustments or offsets contained in the transaction data), including (i) price, (ii) number of units sold, (iii) transaction date, (iv) information sufficient to identify the type of transaction (*e.g.*, a sale, a return, etc.), (v) information sufficient to identify the product (*e.g.*, NDC, product description, form, strength, etc.), (vi) information sufficient to identify the customer, (vii) class of trade designations, and (viii) information sufficient to identify whether the units sold were intended for repackaging, along with the name of the repackager to which the units were sold.
- (b) All chargeback transactions, including (i) amount, (ii) date of credit, and (iii) information sufficient to identify the customer, class of trade designations (if any), and wholesaler to which the chargeback was paid, and (iv) the underlying contract price paid by the ultimate customer.
- (c) All rebate transactions, including (i) amount, (ii) date of rebate, (iii) information sufficient to identify the type of rebate, (iv) information sufficient to identify the customer, and (v) class of trade designations (if any).
- (d) All administrative fee transactions, including (i) amount, (ii) date of payment, (iii) information sufficient to identify the type of administrative fee (if applicable), (iv) information sufficient to identify the customer, and (v) class of trade designations (if any).
- (e) Any other discounts not reflected in the above (a through d), including but not limited to discounts achieved through bundling one product with another.



CERTIFICATE OF SERVICE BY VERILAW

I, Allan M. Hoffman, hereby certify that I am one of plaintiffs' attorneys, and that on May 6, 2005, I caused a true and correct copy of the foregoing NOTICE OF RULE 30(B)(6) DEPOSITION TO DEFENDANT B. BRAUN MEDICAL, INC. REGARDING SALES-RELATED FINANCIAL DATA to be served on all counsel of record electronically by causing same to be posted via Verilaw.



Allan M. Hoffman

Exhibit D

KIRKLAND & ELLIS

PARTNERSHIPS INCLUDING PROFESSIONAL CORPORATIONS

655 Fifteenth Street, N.W.
Washington, D.C. 20005

202 879-5000

Facsimile:
202 879-5200

Colin R. Kass
To Call Writer Directly:
(202) 879-5172
colin_kass@dc.kirkland.com

December 23, 2002

Via Federal Express

Edward Notargiacomo, Esq.
Hagens Berman, LLP
225 Franklin Street
26th Floor
Boston, MA 02110

Re: *In Re Pharmaceutical Industry Average Wholesale Price Litigation*,
MDL No. 1456, Civ. A. No. 01-CV-12257-PBS

Dear Ed:

Per your request of December 13, 2002, B. Braun Medical Inc. hereby produces copies of six (6) boxes of documents previously produced for your inspection in accordance with Case Management Order No. 5 in the above-referenced matter. As agreed by the parties, these documents are subject to the terms of the Protective Order entered in this case.

As reflected in your December 13, 2002 letter, the plaintiffs will bear the costs of copying and transmitting these documents to your office. An invoice of the copying costs is enclosed herein. An invoice of the shipping costs will be forwarded under separate cover. Please remit these amounts to Kirkland & Ellis upon receipt of the invoices.

If you have any further questions concerning this matter, please do not hesitate to contact me.

Sincerely,



Colin R. Kass

Enclosures